



General Assembly

Substitute Bill No. 956

January Session, 2005

* _____SB00956APP__051605_____*

**AN ACT CONCERNING PORTAL-TO-PORTAL WORKERS'
COMPENSATION COVERAGE FOR CORRECTION OFFICERS AND
CLAIMS FOR COMPENSATION BY DEPENDENTS OF DECEASED
EMPLOYEES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (1) of section 31-275 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (1) "Arising out of and in the course of his employment" means an
5 accidental injury happening to an employee or an occupational disease
6 of an employee originating while the employee has been engaged in
7 the line of the employee's duty in the business or affairs of the
8 employer upon the employer's premises, or while engaged elsewhere
9 upon the employer's business or affairs by the direction, express or
10 implied, of the employer, provided:

11 (A) (i) For a police officer or firefighter, "in the course of his
12 employment" encompasses such individual's departure from such
13 individual's place of abode to duty, such individual's duty, and the
14 return to such individual's place of abode after duty;

15 (ii) For an employee of the Department of Correction, (I) when
16 responding to a direct order to appear at his or her work assignment
17 under circumstances in which nonessential employees are excused

18 from working, or (II) following two or more mandatory overtime work
19 shifts on consecutive days, "in the course of his employment"
20 encompasses such individual's departure from such individual's place
21 of abode directly to duty, such individual's duty, and the return
22 directly to such individual's place of abode after duty;

23 [(ii)] (iii) Notwithstanding the provisions of [clause] clauses (i) and
24 (ii) of this subparagraph, the dependents of any deceased employee of
25 the Department of Correction who was injured in the course of his
26 employment, as defined in this subparagraph, on or after July 1, 2000,
27 and who died not later than July 15, 2000, shall be paid compensation
28 on account of the death, in accordance with the provisions of section
29 31-306, retroactively to the date of the employee's death. The cost of the
30 payment shall be paid by the employer or its insurance carrier which
31 shall be reimbursed for such cost from the Second Injury Fund as
32 provided in section 31-354 upon presentation of any vouchers and
33 information that the Treasurer may require;

34 (B) A personal injury shall not be deemed to arise out of the
35 employment unless causally traceable to the employment other than
36 through weakened resistance or lowered vitality;

37 (C) In the case of an accidental injury, a disability or a death due to
38 the use of alcohol or narcotic drugs shall not be construed to be a
39 compensable injury;

40 (D) For aggravation of a preexisting disease, compensation shall be
41 allowed only for that proportion of the disability or death due to the
42 aggravation of the preexisting disease as may be reasonably attributed
43 to the injury upon which the claim is based;

44 (E) A personal injury shall not be deemed to arise out of the
45 employment if the injury is sustained: (i) At the employee's place of
46 abode, and (ii) while the employee is engaged in a preliminary act or
47 acts in preparation for work unless such act or acts are undertaken at
48 the express direction or request of the employer;

49 (F) For purposes of subparagraph (C) of this subdivision, "narcotic
 50 drugs" means all controlled substances, as designated by the
 51 Commissioner of Consumer Protection pursuant to subsection (c) of
 52 section 21a-243, but does not include drugs prescribed in the course of
 53 medical treatment or in a program of research operated under the
 54 direction of a physician or pharmacologist. For purposes of
 55 subparagraph (E) of this subdivision, "place of abode" includes the
 56 inside of the residential structure, the garage, the common hallways,
 57 stairways, driveways, walkways and the yard;

58 (G) The Workers' Compensation Commission shall adopt
 59 regulations, in accordance with the provisions of chapter 54, to
 60 implement the provisions of this section and shall define the terms "a
 61 preliminary act", [and] "acts in preparation for work", "departure from
 62 place of abode directly to duty" and "return directly to place of abode
 63 after duty" on or before [October 1, 1995] January 1, 2006.

64 Sec. 2. Section 31-294c of the general statutes is amended by adding
 65 subsection (d) as follows (*Effective from passage and applicable to claims*
 66 *pending on or filed on and after said date*):

67 (NEW) (d) Notwithstanding the provisions of subsection (a) of this
 68 section, a dependent or dependents of a deceased employee seeking
 69 compensation under section 31-306 shall not be required to give a
 70 written notice of claim for compensation to the employer or any
 71 commissioner if such employee had filed a timely written notice of
 72 claim for compensation in accordance with subsection (a) of this
 73 section prior to such employee's death.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2005 | 31-275(1) |
| Sec. 2 | <i>from passage and applicable to claims pending on or filed on and after said date</i> | 31-294c |

APP *Joint Favorable Subst.*